

REMARKS

3. Applicant hereby affirms the election to prosecute claims 1-27, identified as Group I, in the Examiner's restriction requirement.
4. The undersigned attorney thanks the Examiner for her priority application inquiry. Paragraph [0001] of the present application as filed recites:

"This application claims the benefit of U.S. Provisional Application No. 60/459,012 filed 31 March 2003 and U.S. Patent Application No. 10/734,837 filed 12 December 2003, which are hereby incorporated by reference in their entirety".

The Application Data Sheet filed with the present application also indicates priority is claimed from the aforesaid applications. Consequently, applicant believes the appropriate steps have been taken to claim priority. Applicant respectfully requests the Examiner confirm that such priority is acknowledged. In addition, applicants include herewith a request to issue a corrected Filing Receipt in the present case. The previously issued Filing Receipt only acknowledges priority to U.S. Provisional Application Serial No. 60/459,012.

6. Claims 7-9 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 7-9 have been canceled. Consequently, applicants respectfully request this rejection be withdrawn.
8. Claims 1-6, 8, 10-12, 14-16 and 20-27 are rejected under 35 U.S.C. §102 (b) as being anticipated by Raffoni (US 2001/0013530), hereinafter referred to as Raffoni. Claims 2-6, 8, 10-12, and 20-21 have been canceled. Consequently, applicants respectfully request this rejection be withdrawn relative to canceled claims 2-6, 8, 10-12 and 20-21.

Amended claim 1 recites a novel and non-obvious apparatus for installing framing material hangers in a workpiece. The apparatus includes, *inter alia*, one or more workpiece supports that are attached to the base panel, and are operable to support a portion of the workpiece out of contact with the base panel. The Examiner indicates that the recited workpiece supports are anticipated by the fluid actuated jacks 25, 26 disclosed within the Raffoni. Applicants respectfully disagree.

Raffoni discloses a pair of fluid actuated jacks 25, 26 that are attached to an arm 22 that is disposed apart from and appears to be parallel to the worktable 2. FIG.2 of Raffoni shows that jacks 25, 26 are disposed opposite cylinder 10, which cylinder acts to fire stapling members into framing strips. Hence, thee jacks 25, 26 are not attached to the worktable 2, but rather are used to clamp a workpiece against the worktable 2.

The position of the workpiece supports recited within amended claim 1 of the present invention permits support of the workpiece without any actuation. Consequently, the present design is simpler, less expensive to produce, and easier to maintain.

For at least these reasons, applicant respectfully requests the rejection of claim 1 be withdrawn.

Amended claim 14 recites an apparatus for installing framing material hangers in a workpiece that comprises: 1) a guide assembly operable to guide the plunger, which guide assembly includes a shear block; and 2) a clamp mechanism for clamping a stack of framing material hangers adjacent the shear block. Operating the hanger actuator causes a framing material hanger to shear from the stack and be driven through the guide assembly and into the workpiece.

The apparatus disclosed by Raffoni does not disclose an apparatus as recited in amended claim 14. The ability of the clamp mechanism recited within amended claim 14 to clamp a stack of hangers adjacent the shear block, enables each hanger to be cleanly separated from the stack and avoids bent and/or partial separations of hangers which could result in the apparatus jamming. In addition, the present clamping mechanism permits the use of hangers made of relatively heavy gauge metal, as compared to hangers fabricated from thin sheet metal; e.g., hangers dispensed from a roll. The heavy gauge hangers of the present invention can be used in applications where thin sheet metal hangers are too weak. Claims 15-19 and 21-25 depend from amended claim 14, and are

believed to be patentable therewith. For at least these reasons, applicant respectfully requests the rejection of claims 14-19 and 21-25 be withdrawn.

Like amended claim 14, amended claim 26 recites an apparatus for installing framing material hangers in a workpiece that comprises a clamp mechanism for clamping a stack of framing material hangers adjacent the shear block. For at least the reasons provided above, applicant respectfully requests the rejection of claims 26 and 27 be withdrawn.

10. Claims 7-9 and 18-19 are rejected under 35 U.S.C. §103(a) as being (anticipated by - sic) obvious over Raffoni in view U.S. Pat. No. 4,572,420 ("Pistorius"). Claims 7-9 depend from claim 1, and claims 18 and 19 depend from claim 14, and further include a hanger retention mechanism. For the reasons provided above relative to claims 1 and 14, applicant respectfully submits that claims 7-9, 18 and 19 are not obvious over Raffoni in view of Pistorius. Consequently, applicant respectfully requests the rejection of claims 7-9, 18 and 19 be withdrawn.

11. Claim 13 is rejected under 35 U.S.C. §103(a) as being (anticipated by - sic) obvious over Raffoni in view U.S. Pat. No. 6,305,891 ("Burlingame"). Claim 13 has been canceled. Consequently, applicant respectfully requests the rejection of claim 13 be withdrawn.

12. Claim 17 is rejected under 35 U.S.C. §103(a) as being (anticipated by - sic) obvious over Raffoni in view U.S. Pat. No. 5,890,276 ("Lorincz"). Claim 17 depends from claim 14, and further recites a contact face having one or more widthwise positioning tabs. The Examiner indicates that it would have been obvious to modify the plunger of Raffoni to include positioning tabs of Lorincz to arrive at the device of claim 17. Applicant respectfully disagrees.

First, claim 17 is believed to be patentable for the reasons provided above relative to claim 14. In addition, claim 17 recites one or more widthwise positioning tabs. The tabs locate the hanger off of a widthwise extending surface to ensure that the hanger is correctly positioned relative to the shear block. The device of Lorincz, in contrast,

discloses a pair of spring biased anvil paws 19 that “define a gap smaller than the length of the hanger”. The paws 19 retract away from the hanger during operation. The paws 19 do not provide any widthwise positioning function. Consequently, Lorincz does not disclose one or more widthwise positioning tabs as defined in either Lorincz or the present application.

Accordingly, applicant respectfully requests that the rejection of claim 17 be withdrawn and claim 17 be allowed.

As applicant has traversed the rejection made by the Examiner, it is respectfully requested that the stated rejection be withdrawn, claims 1, 14-19, and 21-27 be allowed, and the present application be passed onto issuance. No fee is believed due with the present application. In the event a fee is due, please charge our Deposit Account No. 50-3381.

Respectfully submitted,

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